

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 15975US01 (WIDC-026/00US)

In the Application of:

Jyothis Indirabhai

U.S. Serial No.: 09/935,082

Filed: August 21, 2001

For: SYSTEM AND METHOD FOR
SYNCHRONIZING WIRELESS
COMMUNICATION DEVICES

Examiner: Phuoc Huu Doan

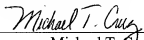
Group Art Unit: 2617

Conf. No.: 8557

Customer No.: 23446

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office on March 16, 2007.



Michael T. Cruz
Reg. No. 44,636

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is a timely response to Notice of Abandonment ("the Notice") mailed on January 17, 2007. According to the Notice, Applicant failed to file a response to the Office Action mailed on December 27, 2005.

Applicant hereby petitions for the withdrawal of the holding of abandonment under 37 C.F.R. § 1.181 and the remailing of the Office Action as set forth in M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

U.S. Application No. 09/935,082, filed August 21, 2001
Attorney Docket No. 15975US01 (WIDC-026/00US)
Petition to Withdraw Holding of Abandonment dated March 16, 2007
In Reply to Notice of Abandonment mailed January 17, 2007

In this case, the Office Action mailed on December 27, 2005 was not received due to an error in addressing (i.e., omitting a street address) caused solely by the United States Patent and Trademark Office (USPTO).

M.P.E.P. § 711.03(c)(I)(A) is entitled "Petition to Withdraw Holding of Abandonment Based on Failure To Receive Office Action" and is the relevant section of the M.P.E.P. See M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

M.P.E.P. § 711.03(c)(I)(A) states that "an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action". M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

In view of the supporting evidence below, Applicant respectfully petitions that the Director withdraw the holding of abandonment and order the remailing of the Office Action.

Statement

M.P.E.P. § 711.03(c)(I)(A) states that "[t]o minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received". M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

I, Michael T. Cruz, Reg. No. 44,636, as Applicant's representative, state that the Office Action mailed on December 27, 2005 was never received. I attest to the fact that a search of the file jacket and docket records indicates that the Office Action mailed on December 27, 2005 was not received.

In addition, M.P.E.P. § 711.03(c)(I)(A) states that "[a] copy of the docket record where the

nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

As part of my search of the docket records, I, Michael T. Cruz, Reg. No. 44,636, as Applicant's representative, reviewed the attached docket report (3 pages) which is attached as Exhibit A. On page 2 near the bottom of the page of the docket report, note that there is no entry between a Response that Applicant filed on November 28, 2005 and deadline of March 17, 2007 by which to file this Petition. This indicates that the Office Action of December 27, 2005 was never received.

Evidence of Insufficient Address

As further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit B, a print out from USPTO PAIR indicating that on January 17, 2006, "Mail [was] returned to USPTO as undelivered".

As still further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit C, a print out from USPTO PAIR of the first page of the document referenced on January 17, 2006 as "Mail returned to USPTO as undelivered". The first page is a hardcopy of the envelope mailed by the USPTO. Applicant respectfully directs the attention of the Director to the marking "INSUFFICIENT ADDRESS" stamped by the United States Postal Service (USPS).

As still further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit D, the front page of the Office Action of December 27, 2005. Applicant respectfully directs the attention of the Director to the fact that the address is lacking a

U.S. Application No. 09/935,082, filed August 21, 2001
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street address.

It is respectfully submitted that, because the Official communication lacked a street address, the Office Action of December 27, 2005 was never delivered by the USPS. This explains why the USPS stamped the envelope (Exhibit C) with the marking "INSUFFICIENT ADDRESS".

In addition, it is respectfully noted that the address of the Office Action of December 27, 2005 misspelled the law firm name. In particular, "Held" was misspelled as "Hel".

Incorrect Address Solely Due to USPTO Error

As evidence that the USPTO is solely at fault for the "INSUFFICIENT ADDRESS" marking stamped by the USPS, Applicant has attached, as Exhibit E, a document (2 pages) entitled "POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST, REVOCATION OF PRIOR POWERS AND CHANGE OF CORRESPONDENCE ADDRESS" received by the USPTO on September 13, 2004. In that document, Applicant stated on page 2 that correspondence should be directed to:

Christopher C. Winslade
McAndrews, Held & Malloy
500 W. Madison Street
Suite 3400
Chicago, IL 60661

Applicant respectfully directs the attention of the Director to the fact that the street address "500 W. Madison Street" was missing from the address of the Office Action mailed December 27, 2005. It is because the USPTO omitted the street address "500 W. Madison Street" in addressing the Office Action mailed December 27, 2005 that Applicant never received the Office Action mailed December 27, 2005.

U.S. Application No. 09/935,082, filed August 21, 2001
Attorney Docket No. 15975US01 (WIDC-026/00US)
Petition to Withdraw Holding of Abandonment dated March 16, 2007
In Reply to Notice of Abandonment mailed January 17, 2007

It is respectfully submitted that the USPTO is solely at fault for the error in addressing the Office Action mailed December 27, 2005 that caused the USPS to return the Office Action mailed December 27, 2005 back to the USPTO with the marking "INSUFFICIENT ADDRESS" stamped by the USPS.

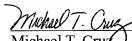
Conclusion

For at least the above reasons, the Director is respectfully petitioned to withdraw the holding of abandonment and to order the remailing of the Office Action as set forth in M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

Although no petition fee is believed due, the Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: March 16, 2007

Respectfully submitted,


Michael T. Cruz
Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Telephone: (312) 775-8084
Facsimile: (312) 775-8100

Attachments: Exhibits A-E

EXHIBIT A



Patent: 15975US01, United States, REGULAR CASE TYPE, NATIONAL CASE, ORIGINAL OR PATENT CASE

Patent Data

Docket Number
Country
Case Type
Relation Type
Filing Type
Filing Number
Status
Sub Status
Parent Country
Parent Number
Application Number
Patent Number
Publication Number
Assigned
Convention Type
Custom Code #1
Tax Agent
Operating Group
Paralegal
Custom Party #2
Custom Party #3
Custom Party #4
Custom Party #5
Custom Party #6
Custom Party #7
Custom Party #8
Agent Ref No
Custom Code #2
Custom Code #3
Custom Code #4
Custom Code #5
Custom Code #6
Custom Code #7
Customer Code

15975US01
United States
REGULAR CASE TYPE
ORIGINAL OR PATENT CASE
NATIONAL CASE
FILED
ABANDONED
09/935082
2003-0040328
ASSIGNMENT RECORDED

Attorney
Agent
Client
Current Owner
Tax Agent
Client Ref No
First Filing Date
Sub Status Date
Parent Filing Date
Parent Grant Date
Application Date
Publication Date
Ind. Claims/Designs
Total Claims
Confirmation/Number
Tax Base Date
Next Tax Date
Expiration Date
Custom Text #1
Custom Text #2
Custom Text #3
Custom Text #4
Custom Text #5
Custom Text #6
Custom Text #7
Custom Text #8
Custom Text #9
Customer Name

CHRISTOPHER C. WINSLADE
MICHAEL T. CRUZ
BROADCOM CORPORATION
ZYRAY
BU4732
8/21/2001
8/21/2001
2/27/2003

McAndrews, Held & Malloy, Ltd.

MWPP

Title

SYSTEM AND METHOD FOR SYNCHRONIZING WIRELESS COMMUNICATION DEVICES

Other Nos

Other Number Code Other Number1 Other Number Date
Reel and Frame 017262/0789 2/21/2006
Reel and Frame 017262/0793 2/21/2006

CreateUser: ETULL

CreateDate: 7/21/2004

Copyright 2002 by Master Data Center, Inc.

UpdateUser: fnaylor

UpdateDate: 1/23/2007

EXHIBIT B

09/935,082 System and method for synchronizing wireless communication devices 03-16-2007::17:51:14

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
01-17-2007	Abandonment	PROSECUTION	2
01-17-2006	Mail returned to USPTO as undelivered	PROSECUTION	13
12-27-2005	Final Rejection	PROSECUTION	12
12-27-2005	Index of Claims	PROSECUTION	1
12-27-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
11-28-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
11-28-2005	Amendment - After Non-Final Rejection	PROSECUTION	1
11-28-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
11-28-2005	Transmittal to TC	PROSECUTION	3
11-28-2005	Extension of Time	PROSECUTION	1
07-27-2005	Non-Final Rejection	PROSECUTION	9
07-27-2005	List of references cited by examiner	PRIOR ART	1
07-27-2005	Index of Claims	PROSECUTION	1
07-27-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
12-13-2004	Fee Worksheet (PTO-06)	PROSECUTION	1
12-13-2004	Fee Worksheet (PTO-06)	PROSECUTION	1
12-13-2004	Extension of Time	PROSECUTION	1
12-13-2004	Amendment - After Non-Final Rejection	PROSECUTION	4
12-13-2004	Claims	PROSECUTION	4
12-13-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
09-13-2004	Power of Attorney	PROSECUTION	19
08-12-2004	Non-Final Rejection	PROSECUTION	9
08-12-2004	List of references cited by examiner	PRIOR ART	1
08-12-2004	List of References cited by applicant and considered by examiner	PRIOR ART	1
07-27-2004	Examiner's search strategy and results	PROSECUTION	1
09-24-2002	NPL Documents	PRIOR ART	1084
09-24-2002	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
10-10-2001	Change of Address	PROSECUTION	1
08-21-2001	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
08-21-2001	Search information including classification, databases and other search related notes	PROSECUTION	1
08-21-2001	Index of Claims	PROSECUTION	1
08-21-2001	Transmittal of New Application	PROSECUTION	3
08-21-2001	Authorization for Extension of Time all replies	PROSECUTION	3
08-21-2001	Drawings	PROSECUTION	9
08-21-2001	Specification	PROSECUTION	15
08-21-2001	Claims	PROSECUTION	3
08-21-2001	Abstract	PROSECUTION	1
08-21-2001	Oath or Declaration filed	PROSECUTION	4
08-21-2001	Bibliographic Data Sheet	PROSECUTION	2
08-21-2001	Fee Worksheet (PTO-06)	PROSECUTION	1
08-21-2001	Fee Worksheet (PTO-06)	PROSECUTION	1
08-21-2001	Claims Worksheet (PTO-2022)	PROSECUTION	1

08-21-2001	Application Data Sheet	PROSECUTION	2
08-21-2001	Transmittal of New Application	AS FILED	3
08-21-2001	Application Data Sheet	AS FILED	2
08-21-2001	Specification	AS FILED	15
08-21-2001	Claims	AS FILED	3
08-21-2001	Abstract	AS FILED	1
08-21-2001	Drawings	AS FILED	9
08-21-2001	Oath or Declaration filed	AS FILED	4

Close Window

EXHIBIT C

Organization **TC 2600** Bldg./Room **KNOX**

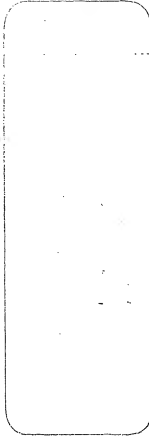
U. S. DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS



U.S. OFFICIAL MAIL
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PRIVATE USE \$300
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NECESSARY
IF MAILED
IN THE
UNITED STATES



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0004205085 DEC 28 2005
MAILED FROM ZIP CODE 22314

AN EQUAL OPPORTUNITY EMPLOYER

BEST AVAILABLE COPY

RECEIVED

JAN 17 2006

USPTO MAIL CENTER

EXHIBIT D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,082	08/21/2001	Jyothis Indirabhai	WIDC-026/00US	8557

7590

12/27/2005

CHRISTOPHER C WINSLADE
MCANDREWS HEL & MALLOY
SUITE 3400
CHICAGO, IL 60661



EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OIPE/IAP

JAN 17 2006

EXHIBIT E



Attorney Docket No.: 15975US01 (Formerly WIDC-026/00US) 41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jyothis Indirabhai

Serial No.: 09/935,082

Filing Date: August 21, 2001

For: SYSTEM AND METHOD FOR
SYNCHRONIZING WIRELESS
COMMUNICATION DEVICES

Examiner: Not yet assigned

Group Art: 2681

Confirmation No.: 8557

POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST, REVOCATION OF PRIOR POWERS
AND CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

We enclose a Power of Attorney by Assignee of Entire Interest, Revocation of Prior Powers and Change of Correspondence Address, and an Assignee Statement Under 37 C.F.R. §3.73(b).

Please charge any required fees or credit any overpayments to the deposit account of McAndrews, Held & Malloy, Ltd. Account No. 13-0017.

Respectfully submitted,

Date: September 9, 2004

Ronald H. Spuhler
Ronald H. Spuhler
Registration No. 52,245
McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Suite 3400
Chicago, Illinois 60661
(312) 775-8000

RECEIVED

SEP 15 2004

Technology Center 2600

Best Available Copy

We, Widcomm, Inc., a California corporation, are the assignee of record in all the patent applications as evidenced by the assignment that was recorded with the Patent and Trademark Office, attached hereto as Exhibit A. As assignee of record of the entire interest of the identified patent application, we hereby revoke all powers of attorney previously given in this patent application, and appoint the U.S. attorneys and/or agents at McAndrews, Held & Malloy, Ltd. (Chicago, IL),

Customer No. 23,446.

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CHANGE OF CORRESPONDENCE ADDRESS

Please send correspondence and direct telephone calls to the following:

Christopher C. Winslade
McAndrews, Held & Malloy
500 W. Madison Street
Suite 3400
Chicago, IL 60661
(312) 775-8000

ASSIGNEE STATEMENT UNDER 37 C.F.R. § 3.73(b)

We hereby state that we are the assignee of the entire right, title and interest in this patent application, as evidenced by the Assignment attached as Exhibit A.



Signature

September 3, 2004

Date

Dee Henderson

(type or print name of person authorized
to sign on behalf of assignee)

Intellectual Property Portfolio Manager

Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. §1.36.